

# TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

## **Final Rule** LSA Document #12-501(F)

### DIGEST

Amends 410 IAC 23-2-10 and adds 410 IAC 23-2-14 to update the requirements for the Health Care Professional Recruitment and Retention Program, to clarify part-time services under the rule, and to comply with IC 16-46-5-9 and federal laws and regulations as set forth in Section 338B of the Public Health Service Act (42 U.S.C. 2541-1), as amended, and Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended. Effective 30 days after filing with the Publisher.

#### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

#### **410 IAC 23-2-10; 410 IAC 23-2-14**

SECTION 1. 410 IAC 23-2-10 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 23-2-10 Applicants**

**Authority: IC 16-46-5-19**

**Affected: IC 16-46-5**

Sec. 10. (a) Applicants may choose only from those areas appearing on the department's annual list. ~~unless an applicant can provide the department with sufficient evidence and documented support that an area not appearing on the department's list is a medically underserved area.~~

(b) A health care professional must apply for a loan repayment on an application form supplied by the department. ~~Applications from health care professionals will be accepted until November 1. Funding decisions will be made by the department by December 1.~~

(c) Health care professionals participating in the student loan repayment program must meet the following conditions:

- (1) Be a U.S. citizen.
- (2) Have no outstanding contractual obligation for health professional service to the U.S. government, or a state or other entity, unless the service obligation will be completely satisfied before the contract has been signed. Be aware that certain bonus clauses in employment contracts may impose a service obligation.
- (3) Not be in breach of a health professional service contract to the U.S. government, state or local government, or other entity.
- (4) Not have a judgment lien against their property for a debt to the United States.
- (5) Perform their service obligation at a site designated as eligible by the department.
- (6) Provide full-time primary health care service ~~which is~~ **either full-time or part-time as provided for by Section 338B of the Public Health Service Act (42 U.S.C. 2541-1), as amended, Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended, and as future changes in the governing statute may dictate, including the following:**

**(A) Full-time services are** defined as a minimum of forty (40) hours per week for at least forty-five (45) weeks per year at an eligible site. At least thirty-two (32) of the forty (40) hours per week must be spent providing clinical service. **Full-time services are subject to the following:**

- (i)** These services must be conducted during normally scheduled clinic hours in the ambulatory care setting **office or** offices, with the remaining hours spent providing inpatient care to patients of the eligible site ~~and/or~~ **or** in practice related administrative activities, **or both**, with administrative activities not to exceed twenty percent (20%) of their full-time ~~tour.~~ **service requirement.**
- (ii)** Time spent "on-call" is not considered part of the full-time ~~tour.~~ **service requirement.**
- (iii)** Obstetrician/gynecologists and certified nurse midwives are expected to spend not less than twenty-one (21) hours per week providing ambulatory care services during normally scheduled office hours, with the remaining hours spent providing inpatient care to patients of the eligible site ~~and/or~~ **or** in practice related administrative activities, **or both**, with administrative activities not to exceed

twenty percent (20%) of their full-time ~~tour~~ service requirement.

**(B) Part-time services are defined as a minimum of twenty (20) hours per week, not to exceed thirty-nine (39) hours per week, for a minimum of forty-five (45) weeks per year. Part-time services are subject to the following:**

**(i) The twenty (20) hours per week may be compressed into not less than two (2) work days per week, with not more than twelve (12) hours of work to be performed in any twenty-four (24) hour period.**

**(ii) Participants do not receive service credit for hours worked over the required twenty (20) hours per week, and excess hours cannot be applied to any other work week.**

**(iii) Full-time work done by a half-time participant will not change the participant's half-time status. Time spent "on call" will not count towards the service requirement, except to the extent the provider is directly serving patients during that period.**

(7) Charge for their professional services at the usual and customary prevailing rates in the area in which such services are provided, except that if a person is unable to pay such charge, ~~such the~~ person shall be charged at a reduced rate or not charged any fee.

(8) Agree to provide primary health services to any individual seeking care. The program participants must agree not to discriminate on the basis of the patient's ability to pay for such care on the basis that payment for such care will be made pursuant to Medicare or Medicaid.

(9) Agree that they will:

(A) accept assignment under Medicare (Section 1842(b)(3)(B)(ii) of the Social Security Act) for all services for which payment under Part B of Title XVIII; and

(B) enter into an appropriate agreement with the state agency that administers the state plan for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan.

(10) Pay the amount specified in the program contract default provisions for failure to complete their service obligation for any reason.

(d) To be eligible for loan repayment for student loans, a health care professional must meet all of the following conditions:

(1) Hold an unlimited license to practice a health care profession in Indiana that has been declared by the department to be eligible for loan repayment in a specified fiscal year.

(2) Either:

(A) ~~completed at least one (1) year of health care professional practice in a shortage area; enter into an agreement with the state department; or~~

(B) ~~worked at least one (1) year at a community or migrant health center or maternal and child health clinic in a shortage area; provide the state department with a copy of an agreement that the health professional has entered into with a health services provider in a health professional shortage area to practice in the shortage area for at least two (2) years.~~

(3) Practice in a health care profession that has been declared eligible by the department for loan repayment in a specified fiscal year.

*(Indiana State Department of Health; 410 IAC 23-2-10; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA)*

SECTION 2. 410 IAC 23-2-14 IS ADDED TO READ AS FOLLOWS:

#### **410 IAC 23-2-14 Compliance with federal law**

**Authority: IC 16-46-5-19**

**Affected: IC 16-46-5**

**Sec. 14. All provisions in this rule must be equal to or less than the provisions established by federal law as found in Section 338B of the Public Health Service Act (42 U.S.C. 254l-1), as amended, Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended, and with future changes in the governing statute. *(Indiana State Department of Health; 410 IAC 23-2-14)***

**Notice of Public Hearing**